

PATENT APPLICATION
DOCKET NO.: 10015052-1

REMARKS

Favorable reconsideration of the present application as currently constituted is respectfully requested.

Current Status of the Claims

Claims 1-29 were originally presented. Claims 1-16 have been canceled responsive to the restriction/election requirement set forth in the instant Office Action.

Of the pending claims 17-29, claims 17 and 23 are in independent form, both of which are amended hereby. No new matter is introduced. Support for the current claim amendments may be found in the original specification of the present patent application at, *inter alia*, Paragraphs [0030] and [0032] - [0038].

Regarding Election/Restriction

Responsive to the requirement set forth in Paragraph 1 of the pending Office Action, Applicant hereby affirms the election made with traverse of the invention defined by claims 17-29 in Group II.

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Regarding Applicant's Duty of Disclosure

At Paragraph 2 of the pending Office Action, the Examiner inquired as to "any reference(s) known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the instant claims." It is respectfully submitted that Applicant has endeavored to comply with Applicant's duty of disclosure under 37 C.F.R. §1.56.

Regarding Amendments to the Specification

Paragraph [0001] of the original specification has been amended to include the application number of the co-pending patent application identified therein. Paragraph [0007] of the original specification has been amended to comport with the claim amendments set forth herein.

Regarding the Provisional Double Patenting Rejection

In the pending Office Action, claims 17-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-43 of U.S. Patent Application No. 09/973,665. In response, Applicant has enclosed herewith a terminal disclaimer in accordance with 37

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C.F.R. §1.321. Accordingly, it is respectfully submitted that the pending claims 17-29 are in condition for allowance.

Regarding the Art Cited but not Relied Upon

Applicant appreciates the inclusion of the art cited but not relied upon in the pending Office Action. Upon review thereof, it is believed that the currently claimed invention is patentable over the entire art made of record.


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SUMMARY AND CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and allow claims 17-29 presented for reconsideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested.

Respectfully submitted,

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